

CUSTOMER NUMBER: 25268

**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,  
provides for continued examination of an utility or plant application  
filed on or after June 8, 1995.

Application Number	10/082,805
Filing Date	February 21, 2002
First Named Inventor	William E. Ortyen
Group Art Unit	1641
Examiner Name	Gabel, Gailene
Attorney Docket No.	BIOL0038
Confirmation No.	2051

**This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.**

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See *Changes to Application Examination and Provisional Application Practice*, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

- X  1. Submission required under 37 C.F.R. § 1.114
- a.   Previously submitted
- i.   Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on
- ii.   Consider the arguments in the Appeal Brief or Reply Brief previously filed on
- iii.   Other
- b.   Currently Submitted
- i.  X  Amendment/Reply
- ii.   Affidavit(s)/Declaration(s)
- iii.  X  Information Disclosure Statement (IDS)
- iv.   Other
2. Miscellaneous
- a.   Suspension of action on the above-identified application is requested under 37 CFR § 1.103(c) for a period of   months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR § 1.17(i) required)
- b.   Other
- X  3. Submission with RCE: Pursuant to 37 C.F.R. § 1.114, an information disclosure statement is being submitted concurrently with a Request for Continued Examination (RCE) in the above-identified application.
- X  4. Request for Extension of Time

Applicant respectfully requests that the shortened statutory period for response to the Final Office Action dated August 28, 2006, set to expire on November 28, 2006, be extended by one month to expire on December 28, 2006. The \$60 small entity fee is submitted herewith.

X   5. Request for Constructive Petition for Extension of Time

It is requested that any concurrent or future reply submitted in the present application requiring a petition for an extension of time under 37 CFR 1.136(a)(3) for timely submission be treated as incorporating a petition for extension of time for the appropriate length of time. It is also requested that any additional required fees under § 1.17, including all required extension of time fees, be charged to Deposit Account No. 01-1940, thereby constructively petitioning for any necessary extension of time to maintain the present application in a pending state.

  X   6. Claim Status

Computation of Fee For Claims as Submitted for filing in RCE					
	Claims Remaining after Preliminary Amendment Submitted Herewith (if any)	Highest Number of Claims Previously Paid For	Number of Extra Claims	Rate	Fees
Total Claims	20	51	0	x \$25	\$0
Independent Claims	7	9	0	x \$100	\$0
EXTENSION OF TIME FEE					\$60
RCE FEE					\$395
TOTAL ADDITIONAL FEE FOR THIS RCE SUBMISSION					\$455

  X   7. Fees The RCE fee under 37 CFR § 1.17(e) is required by 37 CFR § 1.114 when the RCE is filed.

a.   X   The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 01-1940.

- i.        RCE fee required under 37 CFR § 1.17(e)
- ii.        Extension of time fee (37 CFR §§ 1.136 and 1.17)
- iii.   X   Any additional required fees
- iv.        Other \_\_\_\_\_

b.   X   Fees are to be charged to a credit card during electronic submission.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Typed/Printed Name Michael C. King Registration Number: 44,832

Signature /mike king/ Date: December 27, 2006

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Director of the Patent and Trademark Office, Box RCE, Washington, DC 20231.